Texas State Soil & Water Conservation Board

MAY 1, 2007

Supplemental Guidance to Water Quality Management Plans

For Dry-Litter Poultry Concentrated Animal Feeding Operations (CAFOs)

BACKGROUND

Historically the federal Concentrated Animal Feeding Operation (CAFO) regulations under the Clean Water Act, administered by the U.S. Environmental Protection Agency (EPA), have not included dry-litter poultry operations. Dry-litter operations were considered "nonpoint" sources, and were therefore not regulated through permits. In 2001, the Texas Legislature passed Senate Bill 1339 requiring all poultry operations that were not already regulated under a permit, to get a Water Quality Management Plan (WQMP) certified by the Texas State Soil and Water Conservation Board (TSSWCB). In 2003, the EPA revised the federal CAFO rules to define as CAFOs all dry-litter poultry operations that confine 125,000 or more broilers or pullets, 82,000 or more layers or breeders, or 55,000 turkeys for 45-days out of a year. Since the EPA has delegated the administration of the federal CAFO regulations to the Texas Commission on Environmental Quality (TCEQ), the rules in Texas were revised to be consistent with the Federal CAFO regulations. The Texas CAFO rules also designate animal feeding operations as CAFOs in certain counties at lower head count numbers than in the rest of the state. These rules define dry-litter poultry operations as CAFOs in Erath, Bosque, Hamilton, Comanche, Johnson, Hopkins, Wood, or Rains counties when 37,500 or more broilers or pullets, 25,000 or more layers or breeders, or 16,500 turkeys are confined for 45-days out of a year.

GETTING PERMITTED

As a result of a federal court decision in 2005, and a subsequent change to the Texas CAFO rules in 2006, dry-litter poultry CAFOs as defined above that do not discharge and do not plan to discharge pollutants to water in the state are **not** required to obtain permit coverage from TCEQ. However, because they are still defined as CAFOs, they must comply with the Texas CAFO rules (Title 30, Texas Administrative Code, Chapter 321, Subchapter B). They must also obtain and implement a Water Quality Management Plan certified by the Texas State Soil and Water Conservation Board. The content of this document provides producers with the information necessary to comply with the CAFO rules without obtaining coverage under the general permit. However, if a producer wishes to obtain coverage under the general permit, there is a separate guidance document available from TSSWCB for information on that process.

POLLUTION PREVENTION PLAN

"Pollution Prevention Plan" (PPP) is the term used to describe the collection of records and technical documents the Concentrated Animal Feeding Operation (CAFO) rules require to be maintained on site. A poultry producer's certified Water Quality Management Plan (WQMP) meets the requirements of the PPP. However, certain rule requirements are not included in the WQMP although the CAFO producer is responsible for ensuring those requirements are met. The items listed below are those technical documents and practices that are required by the CAFO rules but may not be a component of Water Quality Management Plans certified by the Texas State Soil and Water Conservation Board. In some cases, provisions already required by Water Quality Management Plans, such as soil sampling, may need to be done differently under the CAFO rules. By implementing the additional supplemental information or changes to existing practices, a poultry producer can meet the requirements of the CAFO rules using the Water Quality Management Plan (WQMP).

Annual Soil Samples

For land application fields owned, operated, controlled, rented, or leased by the poultry CAFO, the CAFO rules require a soil sample from 0-2 inches, 2-6 inches, and 6-24 inches annually from each field where poultry litter is surface applied and not incorporated. If litter is incorporated (i.e.: disked-in), a 0-6" sample and 6-24" sample annually

TEXAS STATE
SOIL & WATER CONSERVATION BOARD
P.O. BOX 658 / 311 NORTH 5TH
TEMPLE, TEXAS 76503
PHONE (254) 773-2250, FAX (254) 773-3311
http://www.tsswcb.state.tx.us

from each application field is all that is needed. For initial plan development purposes, only samples from 0-6 inches are required when no animal wastes have ever been applied to the application field. Under the CAFO rules, the samples must be collected within the same 45-day window from one year to the next. Annual samples shall be composed of 10-15 sub-samples taken randomly throughout each application field and mixed thoroughly to create each composite sample. Each composite sample must be submitted to and analyzed by an approved soil-testing laboratory using the Mehlich III method for phosphorus. The results will be used to determine litter application rates for the nutrient management plan.

Annual Litter Samples

Under the guidelines of a WQMP, it is recommended that litter samples be collected a few weeks prior to any land application. This recommendation is to ensure that accurate land application rates are used. The CAFO rules require that the operator collect litter samples annually. It is still advisable to collect samples of litter material a few weeks prior to any land application, but producers must be sure to meet the annual litter sampling requirements of the CAFO rules, regardless of whether or not litter application takes place that year. Results must be given to recipients of litter if utilized off-farm.

Pollutant Sources

The CAFO producer must maintain a list of potential pollutant sources addressed in the WQMP, with pollutant descriptions and measures for preventing contamination of surface or groundwater by those pollutants. Such documentation must be kept in the record keeping section of the WQMP and must be provided to TCEQ within 5 days of written request. Potential pollutants include, but are not limited to, poultry carcasses, poultry litter and/or manure, and dust.

Discharge Notification, Monitoring, and Analysis

The CAFO producer electing not to obtain coverage under the general permit cannot discharge any pollutants to water in the state. If a discharge occurs, the CAFO producer is subject to penalties and permitting and the CAFO producer is responsible for notifying TCEQ, taking samples, and obtaining analyses of all discharges of pollutants to surface water in the state. Refer to §321.44(a) & (b) of the CAFO rules if this circumstance occurs. However, if the CAFO producer is following the guidance in the WQMP, discharges to water in the state from the CAFO should not occur.

Spill Prevention and Recovery

The CAFO producer is responsible for taking appropriate measures to prevent spills and responsible for cleaning up spills of any toxic pollutant. A poultry producer's integrator company may have specific measures for addressing such situations and should be consulted for guidance. The CAFO producer is also responsible for documenting procedures for implementing those measures.

CAFO Site Inspections

The CAFO producer must inspect the facilities on a regular basis and maintain records containing findings of the inspections. Mortality management systems, litter application equipment, chemical storage and disposal sites, shall be inspected by the CAFO producer at least monthly for proper maintenance and operation. Records of such inspections shall be kept to document dates, conditions, and needed maintenance or repairs. A complete site inspection shall be conducted by the CAFO producer each year including (1) identification of potential pollutant sources that exist onsite, (2) inspection of all controls, practices, and operations outlined in the WQMP to reduce potential for pollutants to be transported off-site, and (3) updating the WQMP to reflect current conditions.

Water Wells

The CAFO rules require all water wells be buffered and clearly identified on maps within the WQMP. A licensed water-well driller must perform the construction of new water-wells. Documentation of the construction shall be maintained within the records section of the WQMP. All abandoned and unusable wells must be plugged in accordance with Texas Administrative Code, Title 16, Chapter 76. Documentation shall be maintained by the CAFO producer describing how and when the wells were plugged.

Employee Training

The CAFO producer, usually the owner of the poultry facility, is responsible for ensuring all workers at the

facility are trained adequately to maintain compliance with all requirements of the WQMP. Training should include information pertinent to the proper operation and maintenance of the facility such as land application of manure/litter, mortality management, good housekeeping, material management practices, recordkeeping requirements, and pollutant spill response and clean up. Documentation of all employee training, including dates when training occurred, shall be maintained in the records section of the WQMP.

Air Quality Authorization

All poultry CAFOs are required to operate under an Air Quality Authorization. In accordance with Texas Administrative Code, Title 30, Chapter 106, Rule §106.161(7), all housed poultry operations are authorized by rule when wood shavings or similar material is used as bedding in litter (Effective September 4, 2000).

Record Keeping

The CAFO producer must keep records for at least 5 years from the date the record was created. TCEQ may request records of a CAFO facility at any time and the producer must provide those records to TCEQ within 5 days of receiving written notice to provide those records. Records which must be kept include:

- Nutrient management plans;
- Soil sampling locations and analyses, updated annually;
- Annual litter analyses, updated a few weeks prior to litter clean-out;
- A log of amounts of all litter/cake and manure removed from the facility showing dates of removal, name and address of recipient, and copy of litter analysis given to recipient;
- A log of amounts of all litter/cake and manure utilized on-farm showing dates, locations, acres, and weather conditions during land application and 24 hours before and after land application;
- Rainfall records for the CAFO facility;
- Actual amount of hay harvested annually from each application field (or other crop if applicable);
- A list of potential pollutant sources and significant discharges of those pollutants that have significant potential to reach water in the state;
- Copies of all notifications to TCEQ;
- Documentation of spill prevention and recovery procedures as described above;
- Documentation of inspections as described above;
- Records for water well construction and plugging as described above;
- Records of employee training as described above.

CHANGES TO WQMP

Anytime a significant deviation from planned activities takes place, it is important for producers to seek technical assistance and revise the WQMP to reflect the changes. In a case where a TSSWCB-certified WQMP is being used to meet the technical requirements of the CAFO rules, it is extremely important to revise the WQMP and have it re-certified by the TSSWCB. The CAFO producer must have the WQMP revised and receive plan approval from TSSWCB:

- Before any change in the number or configuration of land management units (LMUs, for dry poultry operations referred to as litter application fields);
- Before any increase in maximum number of animals;
- After any new construction or modification of control facilities (ie: poultry houses);
- Before any change which has a significant effect on the potential for the discharge of pollutants to surface water in the state;
- If the WQMP is not effective in achieving the general objectives of preventing pollutants in discharges from the CAFO facility;
- Within 90 days following written notification from TCEQ or TSSWCB that the WQMP does not meet one or more of the minimum requirements of the CAFO rules.

DOCUMENTATION OF SOIL SAMPLING AND ANALYSIS

(Place all copies of laboratory analyses behind this page)

DOCUMENTATION OF LITTER ANALYSIS

#	Date of Sampling	Date Submitted to Laboratory	Name of Laboratory	Laboratory Sample ID Number

(Place all copies of laboratory analyses for litter samples behind this page)

DOCUMENTATION OF LITTER TRANSFER TO OTHER PERSONS

#	Date of Removal	Name of Recipient	Address of Recipient	Amount Removed (in tons)

DOCUMENTATION OF LITTER APPLICATION TO LAND MANAGEMENT UNITS

Date of Application	Field Number	Size of Field (acres)	Amount of Litter Applied to Field	Weather Conditions 24-Hours Prior to Application	Weather Conditions 24-Hours After Application

DOCUMENTATION OF LITTER APPLICATION TO LAND MANAGEMENT UNITS

Date of Application	Field Number	Size of Field (acres)	Amount of Litter Applied to Field	Weather Conditions 24-Hours Prior to Application	Weather Conditions 24-Hours After Application

DOCUMENTATION OF ONSITE HARVESTING

Date of Harvesting	Field Number	Size of Field (acres)	Crop Harvested	Amount of Harvest (in tons)

DOCUMENTATION OF ONSITE POTENTIAL POLLUTANTS

Potential Pollutant: _____

Description: _____

Measures for Preventing Contamination of Surface and Groundwater: _____

_____

_____

Potential Pollutant: _____

Description: _____

Measures for Preventing Contamination of Surface and Groundwater: _____

_____

_____

Potential Pollutant: _____

Description: _____

Measures for Preventing Contamination of Surface and Groundwater: _____

_____

_____

Potential Pollutant: _____

Description: _____

Measures for Preventing Contamination of Surface and Groundwater: _____

_____

_____

Potential Pollutant: _____

DISCHARGE NOTIFICATION

Date of discharge: _____ Pollutant discharged: _____

Description of discharge: _____

_____

Description of remedial actions taken: _____

_____

Did pollutant reach surface water? _____

Was TCEQ notified? _____ Date/Time of notification: _____

Were samples of surface waters taken? _____

Laboratory name: _____ Date sent to laboratory: _____

Laboratory tracking number: _____

Date of discharge: _____ Pollutant discharged: _____

Description of discharge: _____

_____

Description of remedial actions taken: _____

_____

Did pollutant reach surface water? _____

Was TCEQ notified? _____ Date/Time of notification: _____

Were samples of surface waters taken? _____

Laboratory name: _____ Date sent to laboratory: _____

Laboratory tracking number: _____

(Place corresponding laboratory analyses for collected discharge samples behind this page)

SPILL PREVENTION AND RECOVERY PROCEDURES

Date of Spill	Material	Quantity Spilled	Reason for Spill	Cleanup Actions

Emergency Response Number: _____

Local Emergency/Hazardous Materials Entity: _____

Phone Number: _____

Equipment available onsite for spill containment:

☐ **Front-end loader** ☐ **Back-hoe** ☐ **Bulldozer** ☐ **Paddle scraper**

☐ **Tractor** ☐ **Box blade** ☐ **Truck** ☐ **Maintainer**

☐ **Absorbent material** ☐ **Skid loader**

☐ **Other** _____

DOCUMENTATION OF INSPECTIONS

Date of Inspection	Inspection Conducted By:	Type of Inspection

DOCUMENTATION OF WATER WELL CONSTRUCTION OR PLUGGING

Construction or Plugging?	Field Number	Date of Activity	Purpose for Activity	Name and License Information of Contractor

DOCUMENTATION OF EMPLOYEE TRAINING

Date of Training	Type of Training	Training Conducted By	Names of Employees Trained

CORRESPONDENCE WITH THE TEXAS STATE SOIL & WATER CONSERVATION BOARD (TSSWCB)

(Place copies of all correspondence with TSSWCB behind this page)